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14 IN THE UNITED STATES DISTRICT COURT
15
16 EASTERN DISTRICT OF CALIFORNIA

17 UNITED STATES OF AMERICA,

18 Plaintiff,

19 v.

20 KEVIN LOERA,

21 Defendants.

22 CASE NO. 1:22-CR-00112-ADA-BAM

23 STIPULATION REGARDING EXCLUDABLE
24 TIME PERIODS UNDER SPEEDY TRIAL ACT;
25 FINDINGS AND ORDER

26 DATE: September 27, 2023

27 TIME: 1:00 p.m.

28 COURT: Hon. Barbara A. McAuliffe

16 STIPULATION

17 Plaintiff United States of America, by and through its counsel of record, and defendants, by and
18 through defendants' counsel of record, hereby stipulate as follows:

19 1. By previous order, this matter was set for status on September 27, 2023.
20 2. By this stipulation, defendant Loera now moves to continue the status conference until
21 December 13, 2023, and to exclude time between September 27, 2023, and December 13, 2023, under
22 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].

23 3. The parties agree and stipulate, and request that the Court find the following:

24 a) The government has represented that the discovery associated with this case
25 includes reports, photographs, and audio files. All of this discovery has been either produced
26 directly to counsel and/or made available for inspection and copying.

27 b) Counsel for defendant Loera desires additional time to further review discovery,
28 discuss potential resolution with his client and the government, and investigate and prepare for

1 trial.

2 c) Counsel for defendant Loera believes that failure to grant the above-requested
3 continuance would deny him/her the reasonable time necessary for effective preparation, taking
4 into account the exercise of due diligence.

5 d) The government does not object to the continuance.

6 e) Based on the above-stated findings, the ends of justice served by continuing the
7 case as requested outweigh the interest of the public and the defendant in a trial within the
8 original date prescribed by the Speedy Trial Act.

9 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
10 et seq., within which trial must commence, the time period of September 27, 2023 to December
11 13, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local
12 Code T4] because it results from a continuance granted by the Court at defendants' request on
13 the basis of the Court's finding that the ends of justice served by taking such action outweigh the
14 best interest of the public and the defendants in a speedy trial.

15 g) The parties also agree that this continuance is necessary for several reasons,
16 including but not limited to, the need to permit time for the parties to exchange supplemental
17 discovery, engage in plea negotiations, and for the defense to continue its investigation and
18 preparation, pursuant to 18 U.S.C. § 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv).

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1 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
2 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
3 must commence.

4 IT IS SO STIPULATED.

5 Dated: September 12, 2023

6 PHILLIP A. TALBERT
United States Attorney

7 _____
8 /s/ STEPHANIE M. STOKMAN
9 STEPHANIE M. STOKMAN
Assistant United States Attorney

10 Dated: September 12, 2023

11 _____
12 /s/ ROBERT LAMANUZZI
13 ROBERT LAMANUZZI
14 Counsel for Defendant
15 Kevin Loera

16 **ORDER**

17 IT IS SO ORDERED that the status conference is continued from September 27, 2023, to
18 **December 13, 2023, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe.** Time is excluded
19 pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

20 IT IS SO ORDERED.

21 Dated: September 12, 2023

22 _____
23 /s/ Barbara A. McAuliffe

24 UNITED STATES MAGISTRATE JUDGE